
Commerce & Labor Committee

HB 1968

Brief Description: Regarding workplace bullying.

Sponsors: Representatives Linville, Wood, Conway, Hankins, Kenney, McIntire, Pettigrew, McCoy, Sells, Flannigan, Lovick, Morrell, Chase and Moeller.

Brief Summary of Bill

- Defines workplace bullying.
- Encourages employers to develop and implement educational programs and codes of conduct to address workplace bullying.
- Makes an appropriation to study workplace bullying.

Hearing Date: 2/21/05

Staff: Erik Van Hagen (786-5793).

Background:

Workers are protected from certain types of harassment and abusive conduct in the workplace by statute and common law. Workers are protected from status-based discrimination by federal and state law. These statutory protections prohibit discrimination in employment on the basis of age, sex, marital status, race, creed, color, national origin, or mental or physical disability.

Workers may also be protected from harmful conduct in the workplace under the common law tort of intentional infliction of emotional distress (IIED). To show IIED, the injured party must demonstrate emotional distress was inflicted negligently or recklessly, there was actual distress, and the conduct was outrageous and extreme. Liability exists only where the conduct has been so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency.

Legislation related to workplace bullying has been introduced in four other states (California, Oregon, Hawaii, Oklahoma), but not enacted. A few countries and a few provincial governments in other countries have laws regarding workplace bullying.

Summary of Bill:

Workplace bullying is defined as conduct a reasonable person would find hostile or offensive that causes physical or psychological harm to the employee and is unrelated to an employer's

legitimate business interests. A legal right or cause of action is not created. Employers are encouraged to develop educational programs as well as codes of conduct and internal enforcement processes that specifically address workplace bullying. An unspecified amount of money is appropriated to an unspecified agency to conduct a study of workplace bullying.

Rules Authority: The bill does not contain provisions addressing the rule-making powers of an agency.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.